

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SILVERGATE PHARMACEUTICALS, INC.,)

Plaintiff,)

v.)

C.A. No. 20-1255 (LPS)

AMNEAL PHARMACEUTICALS LLC,)

Defendant.)

SILVERGATE PHARMACEUTICALS, INC.,)

Plaintiff,)

v.)

C.A. No. 20-1256 (LPS)

BIONPHARMA INC.,)

Defendant.)

JOINT CLAIM CONSTRUCTION CHART

Pursuant to Paragraph 11 of the Court’s Scheduling Order (C.A. No. 20-1255, D.I. 40; C.A. No. 20-1256, D.I. 43), Plaintiff Silvergate Pharmaceuticals, Inc. (“Silvergate”) and Defendants Amneal Pharmaceuticals LLC (“Amneal”) and Bionpharma Inc. (“Bionpharma”) (individually, “Defendant” and together, “Defendants”) submit the following Joint Claim Construction Chart.

The patents that Silvergate has asserted against Amneal in this action presently are U.S. Patent Nos. 10,772,868 (“’868 patent”) and 10,786,482 (“’482 patent”); and the patents Silvergate has asserted against Bionpharma are the ’868 patent, ’482 patent, and U.S. Patent No. 10,918,621 (“’621 patent”) (collectively, “Asserted Patents”).

For the purposes of this action, all parties agree that the claim terms identified in **Exhibit A** shall have the constructions listed therein.

The parties have been unable to agree on the construction of certain claim terms and therefore submit these for construction by the Court. The parties' proposed constructions and citations to intrinsic evidence supporting their respective constructions are identified in **Exhibit B**. The patents containing the disputed terms and the cited portions of the intrinsic record are attached in **Exhibit C**. The parties reserve their rights to present extrinsic evidence, including expert testimony, supporting their respective constructions during the claim construction process. The parties also reserve the right to rely on any evidence relied upon by any other party to support its construction for a disputed term.

All parties agree that all claim terms of the Asserted Patents not addressed in Exhibits A or B shall have their plain meaning to a person of ordinary skill in the art.

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